

Remarks

Claims 1-13 are pending; claims 14-22 were previously canceled. In the office action dated 5/19/2003, the examiner objected to claims 1-13 for containing non-elected matter. The applicants discuss this objection below.

The examiner created a generic concept using the applicant's elected species. However, the concept does not cover the elected species. Specifically, the definition of R^{9a} does not allow for the elected species to be included in the generic structure.

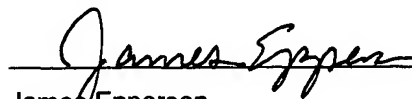
Although the applicants have amended the claims to reflect nearly all of the examiner's concept, the applicants amended the definition of R^{9a} to include functional groups which would cover the elected species and a reasonable number of closely related species. The applicants respectfully ask the examiner to adopt the new definitions embraced in the amended claims. The applicants believe these amendments are reasonable and put the application in allowable form.

Because the generic concept is incorrect, the applicants respectfully request the examiner evaluate the amended claims on their merits before concluding they contain non-elected matter. If necessary, the applicants provisionally traverse any further restriction of the amended claims: "[i]f the members of a Markush group are sufficiently few in number or so closely related that a search and examination of the entire claim can be made without serious burden, then the examiner must examine all of the members of the Markush group.... In such a case, the examiner...will not require restriction." MPEP 803.02

In view of the above remarks, the applicants believe the application is in allowable form and respectfully request favorable reconsideration. If any issues remain regarding the allowance of this application, the Examiner is respectfully invited to contact the applicants' agent, James Epperson, by phone (203-677-6974), fax (203-677-6900), or e-mail (james.epperson@bms.com).

Respectfully submitted,

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